

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark L. Yseloff, et al.
Appl. No.: 09/654,025
Conf. No.: 5837
Filed: September 1, 2000
Title: VIDEO GAMING SYSTEM WITH WILD CARD SYSTEM AND BONUS
SYSTEM
Art Unit: 3714
Examiner: Robert E. Mosser
Docket No.: 115582-0006

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The March 23, 2009 Notice of Allowance and Issue Fee(s) Due for the above-referenced application included Examiner's Statement of Reasons for Allowance. Applicant hereby submits these Comments to such Statement. In the Examiner's Statement of Reasons for Allowance, the Examiner stated the following:

The prior art when considered alone or in combination does not teach nor fairly suggest the claimed invention as presented in it's entirety including features directed to enabling a player selection of symbol position separate from the payline selection wherein the selected positions transform into wild symbol (effecting less then all of the symbol position present in the reels) for the purposes of determining game outcome if the selected position are visually distinguished following game triggering event.

The rejection of record incorporating Bennett (6,251,813) and Shultz (5,332,228) teaches the presentation of a machine selected wild symbol positions and a player selected wild positions, however the prior art overlooks the claim element wherein the designation of the wild symbol is based on both a player selection and a gaming machine selection. None of the presently applied art or remainder art of record teaches or suggests the merging of a player symbol selection (separate from the payline selection) with a gaming device selection of visual distinguished reel position separate from the player selection to determine the effect of a


symbol as a wild symbol based on a match of the player selected position and the machine selected visually distinguished location. Further this teaching cannot be provided for with the art of record without reliance on improper hindsight to fill the missing elements of the prior art or alternatively a destructive combination of Bennett and Shultz wherein wild selection techniques directed to random selection and player selection cannot be fairly combined as the two methods represent the antithesis of one another.

Applicant notes that the language of the allowed claims differs from the above description in some regard. The language of the allowed claims defines the claim scope.

Applicant respectfully requests that these Comments be entered of record in the file of the above application.

Respectfully submitted,

K&L GATES LLP

BY 
Adam H. Masia
Reg. No. 35,602
Cust. No. 24573

Dated: June 8, 2009